

ORIGINAL

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

FILED

JUN 25 2003

U.S. COURT OF
FEDERAL CLAIMS

By Leave of the Judge

SHERWYN ZEPHIER, ADELE ZEPHIER,)
RODERICA ROUSE, LLOYD B. ONE STAR,)
EDNA LITTLE ELK, CHRISTINE MEDICINE)
HORN and LOIS L. LONG, INDIVIDUALLY)
AND ON BEHALF OF ALL OTHERS)
SIMILARLY SITUATED,)

Plaintiffs,)

v.)

THE UNITED STATES OF AMERICA,)

Defendant.)

No. 03-768 L

Judge Diane Gilbert Sypolt

**REPLY MEMORANDUM IN SUPPORT OF DEFENDANT'S
MOTION FOR EXTENSION OF TIME
IN WHICH TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

On June 3, 2003, Defendant moved for a 60 day extension of time in which to file its Answer or other responsive pleading to the Complaint until and including August 8, 2003. In support of that Motion, Defendant stated, among other grounds, that the undersigned counsel for Defendant, Ms. Blanco, on June 2, 2003, made attempts to contact counsel for Plaintiffs, Jeffrey M. Herman concerning Defendant's request for an extension of time in which to answer or otherwise respond to the Complaint. On June 3, 2003, Ms. Blanco spoke with Mr. Herman, and was told that Mr. Herman's clients would not agree to an extension of time in excess of three weeks.

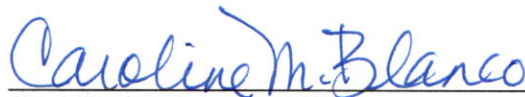
On June 11, 2003, before receiving Plaintiffs' response to Defendant's Motion for Extension of Time, the Court entered an Order granting Defendant an additional 21 days, or until June 30, 2003, in which to file its response to the Complaint. The final sentence of the Order

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indicates that the Order is issued, "*pending plaintiffs' response to the motion.*" See Order. Subsequent to receiving the Court's Order, counsel for Plaintiffs, Stuart S. Mermelstein, contacted Ms. Blanco to inform her that his clients now agreed to Defendant's request for a sixty (60) day extension of time in which to respond to the Complaint, as opposed to the 21 days unopposed enlargement of time that was originally communicated to Ms. Blanco on June 3, 2003. Ms. Blanco and Mr. Mermelstein agreed that Plaintiffs, consistent with the Court's Order, would file a response to Defendant's Motion indicating their change in position. That response has now been filed and, thus, because Defendant's request for a 60 day extension of time in which to respond to the Complaint is now unopposed, Defendant respectfully requests that its request for a 60 day extension of time be granted.

Respectfully submitted,

Dated this 23rd day of June, 2003.



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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June, 2003, a true and correct copy of the foregoing **REPLY MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT** was served, via first-class mail, postage prepaid, to the following counsel of record at the following address:

JEFFREY M. HERMAN, Esq.
STUART S. MERMELSTEIN, Esq.
HERMAN & MERMELSTEIN, P.A.
3230 Stirling Road, Suite One
Hollywood, FL 33021


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